



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BOOK REVIEWS.

G. FORREST BUTTERWORTH, JR., *Editor-in-Charge*.

A HISTORY OF FRENCH PUBLIC LAW. By J. BRISSAUD. Translated by James W. Garner. Boston: LITTLE, BROWN & Co. 1915. pp. xxxiii, 581.

The interest which has been evinced in America of late years in foreign systems of legislation is a natural by-product of our tremendous expansion, both physical and intellectual. The broadening view of the younger generation of lawyers has weaned them away from the Blackstonian thought that the Common Law was the perfection of human reason. They realize that it was a valuable system evolved in England and that it contains many elements making for liberty and for the adjustment of law to changing social conditions. They understand, however, that neither English private nor public law can be dissociated from their relations to general European law and that much of our law, as Pollock & Maitland have shown, is Frankish and Norman rather than Saxon. This broader view has also led to a closer study of legal history and law is no longer regarded as a set of fixed rules, like those of Bridge-Whist, which have no relation to past history or future readjustment in the body politic or social.

The latest publication in the continental legal series: "A History of French Public Law by J. Brissaud" is, therefore, doubly welcome. No American student can afford to be ignorant of the development of the great French institutions. The importance of these institutions has been obscured by the rupture in historic continuity occurring at the time of the revolution and to the popular mind at least sweeping away all vestiges of the past and leading to a creation of a new *a priori* system in France. This view is, of course, erroneous and the France of to-day and present French law cannot be understood without complete knowledge of pre-revolutionary institutions. A clear cut general view of this development, succinctly set forth through the various stages, is furnished in this excellent work, well translated by Mr. James W. Garner. The work itself has the usual impress of the French intellect in its rigidly careful classification and in the lucidity and succinct style in which it is written. To review it in any detail would require much space and an amount of time and of erudition not possessed by this reviewer.

Much that is found in the work may be dug out of general history and of French histories but I do not know of any other work in English where so complete an outline of French institutions may be found.

The work is divided into the various epochs which sometimes seem to be marked out by the historian with an abruptness that could not have in fact existed, the gradation from the one to the other being evidently so imperceptible. Nevertheless the Roman epoch is marked out pretty distinctly from the Frankish or Barbarian epoch, by the changes in regard to land holding. The Frankish monarchy as the author says:

"must be regarded as an institution badly defined, an incoherent mixture of different elements."

The spirit in which this work is conceived and the unwillingness of the author to confine himself to fixed theories may be illustrated by the following quotation:

"It was readily believed in former times that the victorious Barbarians had ruined the Roman world. The Count De Boulainvilliers in 1727 adopted this opinion in order to justify the privileges of the nobles whom he recognized as the descendants of the conquering race. The Abbé Dubos in 1734, making himself the organ of the third estate against the nobility, answered him by saying that there had been no conquest but only a peaceful establishment. Montesquieu attempted to take a middle ground between these two extreme opinions. In our day the question is still discussed; there is as yet no agreement either as to the immediate consequences, nor as to the remote results of the invasions. For the Germanists, it was an event which regenerated society. The Romanists consider it an accident which did not sensibly modify the course of events. They seek to discover in the decadence of Rome the beginnings of the feudal world. The truth is the invasion was not a single act" (p. 61).

The author seems to share in many respects the views of that most brilliant and erudite of French writers on Ancient Legal Institutions Fustel de Coulanges whose fascinating book on "*L'Invasion Germanique*" cannot be too highly recommended to the American student.

The author continues to develop the various changes through the long period of Monarchical administrative centralization and the growth of the Parliament of Paris and the local Parliaments.

He gives a rather full account of the hopelessly confused and unscientific fiscal system which, perhaps, contributed more than any cause to the breakdown of the Monarchy and the disasters of the Revolution. He carries the work down to the Revolution and gives a somewhat too short sketch of the Revolutionary period, the political theories preceding it and the economic changes due thereto and reacting thereon.

The work is divided into short paragraphs and has full notes. No attempt is made at anything like a philosophic treatment of any of the topics and it is indeed rather a text book than a full treatise, but it is well done and would serve as a complete introduction to anyone wishing to make a full study of French public law and institutions. To one who has not time for further examination, it will give a sane and excellent bird's-eye view of the institutions of a country whose influence has been in so many respects more potent throughout the world than that of any other nation and from which America has received much.

Frederic R. Coudert.

VALIDITY OF RATE REGULATIONS. By ROBERT P. REEDER. Philadelphia: T. & J. W. JOHNSON Co. 1914. pp. 440.

The title of this little work is something of a misnomer. It might more accurately, if not more happily, have been styled: "*A Consideration of various Provisions of the Federal Constitution, with particular Reference to their Application to the Regulation of Rates.*" For most of it is devoted to a general discussion of constitutional principles whose bearing upon the specific problems of rate regulation is decidedly remote.

This is not said in condemnation of Mr. Reeder's work. While his criticism of certain accepted canons of constitutional construction